

1 Adopt 2 Cal. Code Regs. section 18531.10 as follows:

2
3 **§ 18531.10. Communications Identifying State Candidates.**
4

5 (a) Definitions. For purposes of this section:

6 (1) A candidate is “clearly identified” if the communication states his or
7 her name, makes unambiguous reference to his or her office or status as a candidate, or
8 unambiguously describes him or her in any manner. **{Decision 2}** [A candidate also is
9 “clearly identified” if the communication contains a visual depiction of the candidate.]
10 **{Decision 3}** [A candidate is [not] considered “clearly identified” if the candidate’s name
11 is legally required.]

12 (2) A communication “expressly advocate[s]” the election or defeat of a
13 candidate as that term is defined in 2 Cal. Code Regs. section 18225, subdivision (b)(2).

14 (3) A communication is “made at the behest” of a candidate as that term
15 is defined in 2 Cal. Code Regs. section 18225.7. **{Decision 1 Option A:** [For purposes of
16 subdivision (c) of Government Code section 85310, any communication that clearly
17 identifies a candidate that is made by a ballot measure committee controlled by that
18 candidate is “made at the behest of the clearly identified candidate.” **Or Option B:** [For
19 purposes of subdivision (c) of Government Code section 85310, a candidate-controlled
20 ballot measure committee that makes communications clearly identifying the controlling
21 candidate does not make a communication at that candidate’s behest.]]

22 (b) The \$50,000 threshold contained in subdivision (a) of Government Code section
23 85310 is met when a person makes or promises to make a payment or payments totaling
24 \$50,000.

1 (c) Communications are subject to subdivision (a) of Government Code section
2 85310 if they occur within 45 days of {Decision 5: [Option A: any election, regardless of
3 whether the clearly identified candidate is on the ballot.] or [Option B: an election for
4 which the candidate identified is on the ballot.]}

5 **{Decision 6: [Option A: (d) The contribution limit referred to in subdivision (c) of**
6 Government Code section 85310 applies to all contributions received by a committee that
7 makes or promises to make payments at the behest of a candidate for a communication
8 described in subdivision (a) of Government Code section 85310, regardless of whether the
9 contributions are used to fund the communication at issue. Once a committee receives a
10 contribution or contributions in excess of the limit referenced in subdivision (c) of
11 Government code section 85310, the committee may not make or promise to make a payment
12 for a communication governed by that subdivision. Any contribution received by a
13 committee that makes a communication described in subdivision (c) of Government Code
14 section 85310, may not be attributed to a person other than the person making the
15 contribution to that committee.] or

16 **[Option B: (d) The contribution limit referred to in subdivision (c) of Government**
17 Code section 85310 applies only to contributors whose monies are used to make payments
18 for the communication described in this subdivision.}]}

21 NOTE: Authority cited: Section 83112, Government Code.
22 Reference: Section 85310, Government Code.

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